

IN THE UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF ARKANSAS
EL DORADO DIVISION

RODERICK J. SMITH

PLAINTIFF

vs.

Civil No. 1:07-cv-1069

MICHAEL J. ASTRUE
Commissioner, Social Security Administration

DEFENDANT

MEMORANDUM OPINION

On December 17, 2007, Defendant filed a Motion to Remand. (Doc. No. 8).¹ Plaintiff does not oppose this motion. The parties have consented to the jurisdiction of a magistrate judge to conduct any and all proceedings in this case, including conducting the trial, ordering the entry of a final judgment, and conducting all post-judgment proceedings. (Doc. No. 4). Pursuant to this authority, the Court issues this memorandum opinion and orders the entry of a final judgment in this matter.

Defendant requests a remand so that the Commissioner may conduct further administrative proceedings. Additionally the Defendant requests a remand so that the ALJ can review the medical evidence of record with the assistance of a medical expert, and make a determination regarding the correct onset date of SSI entitlement and possible adult child's benefits, or determine whether the subsequent allowance is supported by substantial evidence.

This Court finds this motion is well-taken and should be granted. The Commissioner's

¹ The docket numbers for this case are referenced by the designation "Doc. No." The transcript pages for this case are referenced by the designation "Tr."

decision is reversed, and this matter is hereby remanded pursuant to sentence four of 42 U.S.C. § 405(g) for further proceedings. In addition, the undersigned finds that the Plaintiff's Complaint should be and hereby is dismissed without prejudice. Plaintiff may still, however, file a motion for attorney's fees pursuant to the Equal Access to Justice Act, 28 U.S.C. § 2412. This Court directs the ALJ to make additional findings on remand as are necessary to fully and adequately develop the record.

A judgment incorporating these findings will be entered pursuant to Federal Rules of Civil Procedure 52 and 58.

ENTERED this 5th day of February, 2008.

/s/ Barry A. Bryant
Honorable Barry A. Bryant
United States Magistrate Judge